

would not be effective to build sound teeth, nails and bones, and to prevent tooth decay; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin D, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus furnished by a specified quantity of the product when consumed during a period of 1 day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1880.

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10197. Misbranding of sea water (Cal-O-Dine). U. S. v. 17 Bottles of Sea Water. Default decree of condemnation and destruction. (F. D. C. No. 17577. Sample No. 27976-H.)

LIBEL FILED: October 4, 1945, District of Oregon.

ALLEGED SHIPMENT: From Alameda, Calif., by Cal-O-Dine. The product was shipped on or about June 22, 1945, and a number of leaflets were shipped on or about February 1, 1945.

PRODUCT: 17 ½-gallon bottles of sea water at Eugene, Oreg., together with a number of leaflets headed "The Mysterious ingredient of sea-water." Analyses indicated that the product was sea water.

LABEL, IN PART: "Sea Water Sold Under Trade Name of Cal-O-Dine."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1873, in which are set forth the false and misleading statements referred to above.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10198. Misbranding of candy. U. S. v. 8 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 17389. Sample No. 29700-H.)

LIBEL FILED: September 14, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about June 11, 1945, by New Orleans Confections, from Chicago, Ill.

PRODUCT: 8 cases, each containing 24 boxes, of candy at San Francisco, Calif. Examination showed that the product consisted of individually wrapped pieces of candy containing a very small quantity of nut meat pieces. The boxes were not filled to capacity, since an inverted tray about 1½ inches wide occupied the center of the box.

LABEL, IN PART: "New Orleans Confections Assorted Divinity," [picture of large numbers of pecan halves and pieces]; [sticker inside box] "For your enjoyment we have enriched our candies with extra whipping cream and vitamins."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "New Orleans Confections" was misleading since the article was manufactured in Chicago, Ill.; and, Section 403 (a), the picture of large numbers of pecan halves and pieces, which appeared on the label, was false and misleading since the article contained a very small quantity of nut meat pieces.

Further misbranding, Section 403 (d), the container was so made, formed, and filled as to be misleading since the box was larger than necessary for the amount of candy that it contained; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of the label declaration "we have enriched our candy with * * * vitamins," and the label failed to bear the name of the specific vitamins present in the product and a statement of the quantities thereof prescribed by the regulations as necessary in order fully to inform purchasers as to its value for such uses.

DISPOSITION: October 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.